

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL CASE NO. 1:97cr308**

**UNITED STATES OF AMERICA,**

**vs.**

**JAMES ALLEN LINDNER.**  
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**ORDER**

**THIS MATTER** is before the Court upon the Defendant's Motion to Terminate Supervised Release. [Doc. 32]. The Government did not respond to the Defendant's Motion within the time required by the Local Rules, but counsel for the Government subsequently advised the Court's chambers through an email communication that it opposes the requested relief.<sup>1</sup>

The Government opposes the early termination of the Defendant's supervised release because the Defendant has not paid the entirety of his court-appointed attorney's fees. According to the Defendant's probation officer, the Defendant has complied with all of the requirements and terms of his supervised release with the exception of reimbursing the United States for

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<sup>1</sup>The United States Attorney should note, however, that the proper manner of opposing a motion is to file a timely response with the Clerk of this Court, rather than informally advising the Court's chambers after the response deadline has passed.

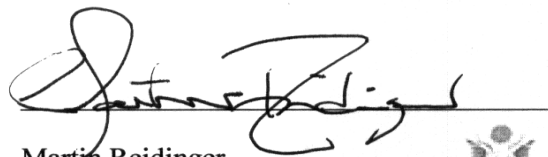
the cost of his court-appointed counsel. The Defendant's probation officer further advises that the Defendant is on a fixed income; that he has paid in full the \$1,000 assessment and \$1,500 fine assessed in the Judgment; and that he has paid \$600 toward the \$2,416.89 ordered by the Court to reimburse the United States for his court-appointed counsel. Based upon the information provided by the Probation Officer, it does not appear that the Defendant is reasonably capable of making any further reimbursement of attorney's fees.

In light of these circumstances, and upon review of the Defendant's motion, the Court is satisfied that the early termination of the Defendant's supervised release is warranted by the Defendant's conduct and is in the interest of justice. See 18 U.S.C. § 3583(e)(1).

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Terminate Supervised Release [Doc. 32] is **GRANTED**, and the Defendant's term of supervised release is hereby terminated.

**IT IS SO ORDERED.**

Signed: June 26, 2012

  
Martin Reidinger  
United States District Judge

